S.B.Criminal Revision Petition No.625/2007

Kailashi Devi vs. State of Rajasthan & Ors.

14.9.2007

HON'BLE MR.JUSTICE G.S.SARRAF

Mrs.Namita Parihar for the petitioner.
Mr. Ashwani Kumar Sharma, P.P.
Mr. Manohar Singh Kumawat for respondents Nos.2 to 5.

This criminal revision petition under Section 397 read with Section 401 Cr.P.C. is directed against the order dated 3.5.2007 passed by Additional District and Sessions Judge No.4, Jaipur City, Jaipur in appeal No.42/2007 whereby the order dated 14.2.2007 of Additional Chief Judicial Magistrate No.4, Jaipur City, Jaipur has been modified and the monthly maintenance amount @ Rs.3000/- awarded to the petitioner and her son Vishal under the Protection of Women from Domestic Violence Act has been reduced from Rs.3000/- per month to Rs.1,000/- per month.

Heard learned counsel for the petitioner and learned counsel for the respondents Nos.2 to 5.

I have perused the impugned judgment passed by learned Additional District and Sessions Judge No.4, Jaipur City, Jaipur very carefully. It is unfortunate that the learned Judge has not assigned any reason

whatsoever on the basis of which he has reduced the maintenance amount. It is not expected from an officer of the level of Additional District and Sessions Judge to pass such order without giving any reason. The impugned order, therefore, deserves to be set aside.

Consequently, this revision petition is partly allowed and the impugned order dated 3.5.2007 is set aside and the matter is remanded to the Additional District and Sessions Judge No.4, Jaipur City, Jaipur with the direction that he will to pass fresh order after giving opportunity of hearing to both the parties.

(G.S.Sarraf),J.

bairwa